

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claim 1; claims 21-22 have been canceled. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-17 and 19-20 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-17 and 19-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ejzak (20030027569 A1) (hereinafter Ejzak). The Applicant has canceled claims 21-22 and amended claims 1 and 19 to more clearly and define the intended scope of the claimed invention. Support for the amendments may be found on page 8, lines 7-26 and page 10, lines 11-15. The Applicant respectfully traverses the rejection of these claims.

As previously argued, the Ejzak reference discloses a split architecture comprising an MSC, iMSC and a Media Gateway. The MSC and the Media Gateway are an integral part of the Ejzak invention. The MSC is part of the split (layered) architecture and Ejzak's so-called standard MSC procedures are the procedures in a layered environment (para [0096]), not a non-layered or single layer architecture. The interworking MSC (iMSC) is a logical entity where the iMSC acts as a SIP user agent in a split (layered) architecture that is capable of IMS and it uses SIP procedures. (para. [0010])

Ejzak teaches combinations of MSC, iMSC and media gateways (MGW) (a layered environment) because Ejzak requires a MGW. The Ejzak reference is completely silent regarding a switching node capable of operating in a mode supporting both a layered and a non-layered architecture (the 'determining element'). And, the Ejzak reference does not disclose or teach a non-layered environment as in the Applicant's invention where a switching node handles all traffic (the preamble). Additionally, Ejzak does not disclose determining the operation mode by first determining the access type of the communication service request from a retrieved

protocol utilized in the communication service request, i.e., a predetermined condition, or rule (the determining element). Nor does Ejzak teach a node that is part of a non-layered environment that handles all traffic; layered or non-layered, both user and signaling data (the determining element). The Applicant discloses and claims a switching node that will operate as a layered or non-layered switching node depending on a predetermined condition.

MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Ejzak reference fails to anticipate claim 1 at least because Ejzak fails to disclose each and every limitation of claim 1 of the present Application.

Contrary to the Examiner's statement that all elements are disclosed in the Ejzak reference, the preamble regarding the architectural environment and the determining element is not disclosed. So, the Applicant respectfully submits that rejection of the claims is unsupported by the art and should be withdrawn.

Claim 19 is analogous to claims 1 with similar limitations. Claims 2-17 and 20 depend respectively from amended claim 1 and claim 19 and recite further limitations in combination with the novel elements of claims 1 and 19. Therefore, the allowance of claims 1-17 and 19-20 is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

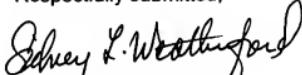
Claims 21-22 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Claims 21-22 has been cancelled rendering the rejection of that claim moot.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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